

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SHURE INCORPORATED, and)	
SHURE ACQUISITION HOLDINGS, INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 19-1343 (RGA) (CJB)
v.)	
)	
CLEARONE, INC.,)	
)	
Defendant.)	

**DEFENDANTS' MOTION NUMBER 3:
MOTION TO STRIKE CERTAIN OPINIONS OF PAUL HATCH**

Pursuant to Federal Rule of Civil Procedure 56 and the Scheduling Order in this case (D.I. 73), Defendant ClearOne, Inc. ("ClearOne") respectfully moves to exclude certain opinions of Plaintiffs' expert Paul Hatch regarding infringement, validity, and the market for the accused products.

The grounds for this motion are set forth in ClearOne's Opening Brief and the Omnibus Declaration of Karen Younkins in Support of Defendant's Motions for Summary Judgment and *Daubert* Motions, submitted herewith. A Proposed Order is attached.

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April 16, 2021

CERTIFICATION UNDER D. DEL. LR 7.1.1

Counsel for Defendant met and conferred with counsel for Plaintiffs regarding the non-dispositive relief requested in this motion. Despite a reasonable effort to reach agreement, including a teleconference with all counsel, the parties were unable to reach agreement.

/s/ Michael J. Flynn

Michael J. Flynn (#5333)

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Defendant.)	

[PROPOSED] ORDER

Before the Court is Defendant ClearOne, Inc.'s ("ClearOne") Motion to Strike Certain Opinions of Paul Hatch. Having considered the parties' submissions as well as the applicable law, ClearOne's Motion is hereby GRANTED.

The opinions of Plaintiffs' expert Paul Hatch regarding (1) infringement, including his opinions on gestalt theory, copying, and similarity; (2) validity, including his opinions related to secondary considerations; and (3) his opinions regarding the market and the relevant market participants are unreliable and irrelevant and excluded from consideration on summary judgment and precluded from trial.

IT IS SO ORDERED this ____ day of _____, 2021.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 16, 2021, upon the following in the manner indicated:

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